

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: McLEOD INFILL SUBDIVISION

Case Number: PLD2006-00067; SEP2006-00126

Hearing Examiner: Richard Forester

Location: 3410 NE 99th Street

Request: Subdivide approximately 2.4 acres into 12 single-family residential lots in the R1-6 Zoning District utilizing the Tier I infill standards

Applicant: ELD Engineering
Attn: Adam Beck
4213 NE 60th Street
Vancouver, WA 98661
Phone - (360) 828-8583, **Fax** - (360) 279-6050
E-mail – adam@eldengineering.net

Owner: David W Michaelsen
10013 NE Hazel Dell Avenue, Box 313
Vancouver, WA 98685

RECOMMENDATION

APPROVAL, subject to conditions

Team Leader's Initials: _____ **Date Issued:** August 30, 2006

Public Hearing Date: September 14, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer: (Trans. & Stormwater)	Douglas Boheman	4219	douglas.boheman@clark.wa.gov
Engineer: (Trans. Concurrency)	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-6

Legal Description: Tax Lot 31 (189775) in the Southwest quarter of Section 36, Township 3 North, Range 1 East of the Willamette Meridian

Applicable Laws:

Clark County Code Chapters: 15.12 (Fire); 40.220.010 (R1-6 District); 40.260.110 (Infill Densities); 40.350.020 (Transportation Concurrency); 40.350.030 (Roads); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.5 (Procedures); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting)

Neighborhood Association:

NE Hazel Dell Neighborhood Association, **Contact** – Bud Van Cleve, 1407 NE 68th Street, Vancouver, WA 98665, **Phone** - (360) 695-1466, **E-mail** - BSVANC@aol.com

Time Limits:

The application was submitted on June 9, 2006 and determined to be fully complete on June 29, 2006. Therefore, the County Code requirement for issuing a decision within 92 days lapses on September 29, 2006. The State requirement for issuing a decision within 120 calendar days lapses on October 29, 2006

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 22, 2005. The pre-application conference information was sufficiently complete to qualify for contingent vesting; however, it was not submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the vesting date is the fully complete application submittal date of June 27, 2006.

Public Notice:

Notice of application and public hearing was mailed to the applicant, neighborhood association contact, and property owners within 300 feet of the site on July 13, 2006. One sign was posted on the subject property and two within the vicinity on or before August 30, 2006. Notice of the Likely SEPA Determination and public hearing was published in the "Columbian" Newspaper on July 13, 2006. A public hearing will be held on September 14, 2006 which will offer the public further opportunity to comment on the proposed development.

Public Comments:

The County has not received written public comments to date regarding the proposal.

Project Description/Background

The applicant proposes to divide the subject site into 12 single-family residential lots pursuant to Tier I infill standards. The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residential
North	UL	R1-6	Single-family residential
South	UL	R1-6	Single-family residential
East	UL	R1-6	Single-family residential
West	UL	R1-6	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Standards

The applicant is proposing to divide 2.35 acres into 12 residential lots within the R1-6 Zoning District pursuant to Tier I infill standards. Density is based on gross site area minus all public right-of-way dedication. The allowed density for Tier I infill plats is between 5.1 and 7.3 units per acre (reference CCC Table 40.260.110-2). Also, an average minimum lot size of 6,000 square feet is required. Approximately .21 of an acre of the plat will be dedicated as public right-of-way (according to the applicant); therefore, the net site area is approximately 2.14 acres. Based on this net site area, the applicant is proposing 5.6 units per acre which is within the required density range. The proposal complies with the lot size requirements because there will be an average lot size of approximately 7,371 square feet.

Finding 2 – Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat:

- Eighteen foot setback for garages entrances (or other similar vehicular shelter)
- Ten foot front setback for other buildings
- Ten foot street side setback
- Five foot side and rear setback

A note on the plat is warranted that identifies setback requirements (see Plat Note C-10e).

Finding 3 – Existing Structures

There is an existing residence with at least one accessory structure on the subject site. The applicant has indicated that all structures will be removed. All structures within the subject site should be removed according to all relevant standards prior to final plat approval. (See Condition C-1)

Finding 4 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-10a).

Finding 5 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

It appears there are safe walking conditions to Gaiser Middle School on the west side of 33rd Avenue; however, **the applicant has not addressed safe walking provisions to Sara J. Elementary further west on the south side of 104th Street. It appears students will walk to Sara J. Elementary. If they do, the applicant needs to clearly**

identify safe walking provisions to the elementary school prior to the or at the public hearing.

ARCHEOLOGICAL:

Finding 6

The County received a letter from the Confederated Tribes and Bands of the Yakama Nation indicating that the subject site is located within a high probability area for containing cultural resources (see Exhibit 14). However, GIS information indicates that the entire site is located within a low probability area. Staff (The Clark County Archaeological Review Coordinator) has further reviewed this issue and finds the site is outside any archaeology buffer that would require an archaeological predetermination.

However, if any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines. (See Condition C-9c)

TRANSPORTATION CONCURRENCY:

Finding 7 - Trip Generation

County concurrency staff has reviewed the proposed McLeod Infill Subdivision consisting of 12 single family home units replacing one single family home. The applicant's traffic study has estimated the net weekday AM peak-hour trip generation at 9 new trips, while the net PM peak-hour trip generation is estimated at 12 new trips using nationally accepted data published by the Institute of Transportation Engineers. The site is located at 3410 NE 99th Street.

Finding 8 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS B during the peak traffic hours at the future build-out of the proposed development.

Finding 9 - Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile

of the proposed development. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance. The modeling results indicate that the operating levels comply with travel speed and delay standards.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant should reimburse the County for costs incurred in running the concurrency model. (See Condition C-2)

SAFETY

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 10 - Traffic Signal Warrants

The applicant's traffic study did not analyze traffic signal warrants at the site access. Due to the relatively few trips at this location, county staff has determined that a signal would not be warranted. In the future, access to the development will be available to the signal at NE 99th Street and NE 33rd Avenue.

Finding 11 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed turn lane warrants in the area and found that turn lane warrants are not met at the site access. Since the site accesses NE 99th Street, a minor arterial, the applicant should be aware that a raised median could be installed in the future that would restrict access to the site from NE 99th Street. The applicant's traffic study states that the proposed development will eventually close the access to NE 99th Street and have alternative access to the north at NE 101st Street. However, if a safety deficiency arises that would require the access restriction before the alternative NE 101st Street access is available, then a raised median would be constructed, probably by the county, in order to mitigate the safety deficiency.

Finding 12 - Historical Accident Situation

The applicant's traffic study analyzed the accident history at the intersections of NE 33rd Avenue and NE 34th Avenue (site access) on NE 99th Street. The historical accident rate at

these locations does not exceed thresholds that would warrant additional analysis. In the future, an unacceptable accident situation may arise, but this issue does not affect the recommendation of approval for this proposed development.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

TRANSPORTATION

Finding 13 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose sidewalk along the frontage roads and the proposed onsite road. Bike lanes are not required for private roads or local access roads. The required improvements currently exist along NE 99th Street, the frontage road abutting the site's south boundary. NE 34th Avenue, the proposed on-site private road, is proposed to have sidewalk on one side only. NE 101st Street, the onsite public road classified as a neighborhood circulator, will have sidewalk on both sides of the road. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section CCC 40.350.010.

Finding 14 - Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the purpose of the circulation plan is In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. The applicant has submitted a circulation plan. This plan shows the future extension to NE 101st Street to the west will connect into NE 33rd Avenue and the future extension of NE 101st Street to the east will connect to the exiting NE 101st Street that currently terminates at the west boundary of Sherwood Glen (Bk 3, Pg 379). Staff agrees with the applicant that there is no possible way to extend the site's proposed streets to the north due to existing homes; however, the adjacent parcel to the west may be able to extend a road to the north while meeting county intersection spacing requirements. Staff believes that NE 34th Avenue should be a public road due to future circulation needs.

The applicant's circulation plan shows a distance of approximately 490 feet from the east edge of NE 33 Avenue to the west edge of the proposed NE 34th Avenue. The intersection spacing should be the distance from centerline intersections to centerline intersects which provides a distance of approximately 560 feet based on the dimensions shown on the preliminary plat and Maplegate Plat (Bk H, Pg 103). In accordance with CCC Table 40.350.030-2, the minimum full access intersection spacing for a minor arterial, NE 99th Street, is 500 feet; therefore, this distance complies with both the intersection spacing and circulation block length requirements. Based upon this information, staff finds that the proposed circulation can be conditioned to comply with Section CCC 40.350.030(B)(2).

(See Condition A-1.a and Finding 15)

Finding 15 - NE 58th Street Frontage Improvements

NE 101st Street, classified as an urban neighborhood circulator, and as shown on the preliminary plat, meets the requirements as shown on Clark County's standard drawing #13 and printed in CCC Table 40.350.030-4.

NE 34th Avenue, abutting the easterly boundary of this project will be classified as an urban local residential access road. The minimum ROW dedications and improvements for this road in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing # 14 include;

- a. A minimum full-width ROW of 46 feet.
- b. A minimum full-width pave section of 28 feet.
- c. Curb/gutter, minimum width sidewalk of 5 feet.

As an alternative, the applicant may propose a partial width road that that would provide the following dimensions in accordance with CCC 40.350.030(B)(5):

- d. A minimum partial-width ROW of 29 feet.
- e. A minimum partial-width pave section of 20 feet.
- f. Curb/gutter, minimum width sidewalk of 5 feet.

Finding 16 - Frontage Road

NE 99th Street is classified as a 4-lane urban minor arterial with center turn and bike lanes (M-4cb). This existing roadway, as shown on the preliminary plat already meets the required pavement, planter strip, and sidewalk widths as shown on Clark County's standard drawing #6.

Finding 17 - Access

No lot is allowed to have direct access onto NE 99th Street (see Plat Note C-10d).

Conclusions (Transportation)

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 18 - Approval Criteria

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to infill development projects that result in 5,000 square feet or more of new impervious area within the urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

This project will create more than 5,000 square feet of new impervious surface, and is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance CCC 40.380.

The Erosion Control Ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the Erosion Control Ordinance.

Finding 19 - Stormwater Proposal

The project's preliminary stormwater report proposes to achieve the required stormwater quality mitigation within the proposed Bio-swale, or equivalent system, located near the northeast project boundaries. The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms, as required. (See Condition A-3.a)

The report indicates that the stormwater quantity control will be achieved by an aboveground detention pond also located near the northeast project boundaries. The project, as required, proposes to limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding and not exceeding 10-year and 100-year pre-developed runoff rates. (See Condition A-3.b)

Detained and treated stormwater runoff will be concentrated and released into the adjacent property near the northwest project boundaries. Concentrated releases onto of stormwater runoff onto neighboring properties, even at pre-developed flow rates, are not allowed and shall be released as sheet flow unless a conveyance easement can be obtained from the neighboring property. (See Condition A-3.c)

The preliminary storm drainage report states that the existing site contains one basin that ultimately flows to the west to NE 33rd Avenue. The contours that are shown on the preliminary plat indicate a ridge located near the southwest corner of the proposed NE 101st Street and NE 34th Avenue. This ridge appears to divide the existing site into two basins. (See Condition A-3.d)

The proposed stormwater mitigation system and conveyance system shall be publicly owned and publicly maintained. The stormwater mitigation facility shall be located outside of the public right-of-way and inside a tract dedicated to the Clark County. (See Condition A.3.e)

Finding 20 - Site Conditions and Stormwater Issues

The property is 2.35 acres in area with slopes of 0-5% over 29% of the parcel, 5-10% over 70% of the parcel, and 10-15% over 1% of the parcel. The property has an existing house and two associated outbuildings with a large, grassy yard area extending to the north. All existing structures are to be removed as part of this development. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs, driveways, and streets will be approximately 1.17 acres.

The National Resources conservation service (NRCS) mapping shows the site to be underlain by Hillsboro soil (HoB), classified by AASHTO as A-4 soils. These soils are designated as hydrologic group "B". CCC 40.380 does not list A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed.

The project proposes to achieve stormwater quantity control with an above ground detention pond and discharge the detained stormwater runoff into a private stormwater conveyance system located in adjacent to the site's north boundary and then open discharge at the northwest corner of the site. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities require to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts

resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. (See Condition A-3.f)

The proposed on-site stormwater conveyance system is shown on the preliminary plat. The stormwater velocity when the pipes are flowing full shall equal to, or greater than, 3 ft./second. (See Condition A-3.g)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the county's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions.

FIRE PROTECTION:

Finding 21

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition D-1)
- b. Fire flow in the amount of 1,000 gallons per minute supplied for 60 minute duration is required for this application. The utility review from the purveyor did not indicate the required fire flow availability to the subject site. Fire flow availability needs to be provided to the County. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition C-4)
- c. Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is needed to meet distance requirements. (See Condition C-4)
- d. Proposed roadways and maneuvering areas shall meet the requirements of the Clark County Road Standards. The applicant should provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Parallel parking is prohibited on streets that are less than 24 feet in width. Streets that are less than 24 feet wide shall be posted "No Parking". (See Condition C-5)
- e. Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are not adequate. The applicant should provide approved turnarounds constructed in accordance with the Clark County Road Standards at the west terminus of NE 34th Avenue. (See Condition C-6)

HEALTH DEPARTMENT:

Finding 22

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition C-7)

UTILITIES:

Finding 23

The applicant has submitted utility reviews from the Hazel Dell Sewer District and Clark Public Utilities indicating that public sewer and water can be connected to serve the subject site. All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition C-8)

IMPACT FEES:

Finding 24

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,725.00, Park District 8 with a PIF of \$1,360.00 (acquisition) & 440.00 (Development), and the Hazel Dell Transportation Subarea with a TIF of \$1,423.54.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition C-9d & D-2)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 13, 2006 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval to Development Engineering, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Transportation Plan (On-Site & Frontage)** - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350 and the following conditions of approval:
- a. NE 34th Avenue shall be a public road (see Finding 14).
- A-2 **Transportation (Concurrency):**
- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-3 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC 40.380 and the following conditions of approval:
- a. The proposed stormwater quality mitigation facility shall be designed to treat 70% of the 2-year, 24-hour storms, as required (see Finding 19).
 - b. The proposed stormwater quantity mitigation facility shall limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding and not exceeding 10-year and 100-year pre-developed runoff rates (see Finding 19).
 - c. Stormwater discharge or off-site conveyance shall be released as sheet flow unless a conveyance easement can be obtained from the neighboring property (see Finding 19).
 - d. The final storm drainage report shall be revised to show 2 pre-existing stormwater basins and, if sheet flow dispersion is used, release the stormwater runoff at pre-developed flow rates at their natural point of discharge (see Finding 19).
 - e. The proposed stormwater mitigation facilities and conveyance system shall be publicly owned and publicly maintained. The applicant shall place the stormwater mitigation facilities outside of the public right-of-way and within a tract dedicated to Clark County. (See Finding 19)
 - f. This project shall be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development (see Finding 20).

g. The stormwater velocity when the pipes are flowing full shall equal to, or greater than, 3 ft./second (see Finding 20).

A-4 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-5 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

C	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording by Development Engineering, the following conditions shall be met:

C-1 All structures within the subject site shall be removed according to all relevant standards prior to final plat approval (see Finding 3).

C-2 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final site plan review. (See Finding 9)

C-3 Landscaping - The applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

- C-4 The utility review from the purveyor did not indicate the required fire flow availability to the subject site. Fire flow availability needs to be submitted. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. The indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is needed to meet distance requirements. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 21 b & c)
- C-5 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Parallel parking is prohibited on streets that are less than 24 feet in width. Streets that are less than 24 feet wide shall be posted "No Parking". (See Finding 21d)
- C-6 The indicated provisions for turning around fire apparatus are not adequate. The applicant shall provide approved turnarounds constructed in accordance with the Clark County Road Standards at the west terminus of NE 34th Avenue (See Finding 21e)
- C-7 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- C-8 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- C-9 **Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- d. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,725.00 (Vancouver School District), \$1,800.00 (\$1,360.00 - Acquisition; \$440.00 - Development for Park District #8), and \$1,423.54 (Hazel Dell TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

C-10 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on any lots of the proposed subdivision."
- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages. Sidewalks are attached except along the frontage of (insert street name) which is detached."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350. No direct access is allowed onto NE 99th Street."
- e. Setbacks: "The following setbacks apply to the proposed plat:
 - Eighteen foot setback for garage entrances (or other similar vehicular shelter)
 - Ten foot front setback for other buildings
 - Ten foot street side setback
 - Five foot side and rear setback"

D	Building Permits
	Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

D-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

D-2 **Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- a. \$1,725.00 per dwelling for School Impact Fees (Vancouver School Dist.)
- b. \$1,800.00 per dwelling for Park Impact Fees (\$1,360.00 – Acquisition; \$440.00 – Development for Park District #8);
- c. \$1,423.54 per dwelling for Traffic Impact Fees (Hazel Dell TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

E	Development Review Timelines Review & Approval Authority: None Advisory to Applicant-
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E-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

<p>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.</p>
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<p style="text-align: center;">HEARING EXAMINER DECISION AND APPEAL PROCESS</p>
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This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public

hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$266** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- List of Exhibits Received to Date

A copy of the preliminary plan, SEPA Checklist and Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:

<http://www.co.clark.wa.gov>